



THE FORT ST. GEORGE GAZETTE
EXTRAORDINARY
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Part IV—Proceedings of the Madras Legislature

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ACT No. VIII of 1934—Madras Estates Land (Amendment)

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Act of the Local Legislature of Madras.

In pursuance of the provisions of sub-section (3) of section 81 of the Government of India Act, the following Act of the Local Legislature of Madras having been assented to by the Governor on the 2nd May 1934 and by the Governor-General on the 27th June 1934, is hereby published for general information :—

ACT No. VIII OF 1934.

An Act further to amend the Madras Estates Land Act, 1908, for certain purposes.

1934
1935
WHEREAS it is expedient further to amend the Madras Estates Land Act, 1908, for the purposes hereinafter appearing;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Madras Estates Land (Amendment) Act, 1934.

Amendment
of certain
words occur-
ing in
Madras Act I
of 1908.

2. In the Madras Estates Land Act, 1908 (hereinafter referred to as the said Act) for the words 'pottah', 'pattah', 'mochalka' and 'mochalkas' wherever they occur, the words 'potta', 'pottas', 'mochilika' and 'mochilikas' shall respectively be substituted.

Amendment
of certain
provisions of
Madras Act I
of 1908.

3. (1) In the said Act—

(a) clause (12) of section 3 shall be omitted; and
(b) in sections 163, 168, 170, 173 and 206 and clause (3) of section 215, for the word 'Revenue-officer' wherever it occurs, the word 'Collector' shall be substituted.

(2) The provisions of the said Act specified in the first two columns of the annexed Schedule are hereby amended to the extent and in the manner specified in the third and fourth columns thereof.

Amendment
of section 3,
Madras Act
I of 1908.

4. In section 3 of the said Act—

(1) after clause (1), the following clause shall be inserted, namely:—

"(1-A) 'Collector' means a Revenue Divisional Officer and includes any person appointed by the Local Government, whether by name or in virtue of his office, to exercise any of the functions of a Collector under this Act; "

(2) for sub-clause (d) of clause (2), the following sub-clause shall be substituted, namely:—

"(d) any village of which the land revenue without the kottivaram has been granted in loan to a person not owning the kottivaram thereof, provided that the grant has been made, confirmed or recognized by the British Government "

(3) clauses (6) and (7) shall be omitted;

(4) at the end of clause (16), the following shall be added, namely:—

"and includes—

(a) all land which is proved to have been cultivated as private land by the landholder himself, by

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his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the commencement of this Act; and

(d) all land in an estate within the meaning of sub-clause (c) of clause (2) the entire kudivaram interest in which has been acquired by the landholder before the 1st day of November 1933, provided that where such interest is acquired by surrender or abandonment of the land by the ryot or by purchase at a sale for arrears of rent, the land is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years since the acquisition of the land."

(5) for clause (11), the following clause shall be substituted, namely:—

"(11) 'Rent' means whatever is lawfully payable in money or in kind or in both to a landholder by a ryot for the use or occupation of land for the purpose of agriculture and includes whatever is lawfully payable on account of water supplied by the landholder or taken without his permission for cultivation of land where the charge for water has not been consolidated with the charge for the use or occupation of the land.

For the purposes of sections 5, 27, 28, 59 to 72, 77 to 131, 135, 136, 145 to 148, 155, 210 and 211 and the Schedule, rent includes also—

(a) any local tax, cess, fee or sum lawfully payable to a landholder by a ryot as such in addition to the rent due according to law or usage having the force of law and also money recoverable under any enactment for the time being in force as if it was rent; and

(b) sums lawfully payable to a landholder by a ryot as such on account of pasturage fees and fishery rents";

(6) to clause (10) the following Explanation shall be added, namely:—

"Explanation.—A person who has occupied ryoti land for a continuous period of twelve years shall be deemed to be a ryot for all the purposes of this Act"; and

(7) in clause (16) for sub-clause (a), the following sub-clause shall be substituted, namely:—

" (a) beds and heads of tanks and of supply, drainage, surplus or irrigation channels."

Substitution
of new
clause for
clause 5,
Madras Act
X of 1876.

5. For section 6 of the said Act, the following section shall be substituted, namely:—

Occupancy
right in
ryoti land.

" 6 (1) Subject to the provisions of this Act, every ryot now in possession or who shall hereafter be admitted by a landholder to possession of ryoti land situated in the estate of such landholder shall have a permanent right of occupancy in his holding.

Explanation (1).—For the purposes of this subsection, the expression 'every ryot now in possession' shall include every person who, having held land as a ryot, continues in possession of such land at the commencement of this Act.

Explanation (2).—Every landholder who receives or recovers any payment under section 155 from any person unlawfully occupying ryoti land shall be deemed to have thereby admitted such person into possession unless within two years from the date of receipt or recovery of payment or the first of such payments, if more than one, he shall file a suit in a Civil Court for ejectment against such person.

(2) Admission to waste land under a contract for the pasturage of cattle and admission to land reserved *homo fide* by a landholder for raising a garden or tape or for forest under a contract for the temporary cultivation thereof with agricultural crops shall not by itself confer upon the person so admitted a permanent right of occupancy; nor shall such land, by reason only of such letting or temporary cultivation, become ryoti land.

(3) A landholder who has acquired lands under section 155 may, for a period not exceeding three years in the aggregate, with the previous permission in writing of the Collector, temporarily let such lands for agricultural purposes but such letting shall not confer on the tenant any permanent right of occupancy.

(4) When a landholder has received waste land by his own servants or hired labour, he may, by contract

in writing, prevent any person from acquiring a permanent right of occupancy in respect of the said land during a period of thirty years from the date of the first cultivation after reclamation.

(5) A person holding land as an ijaradar or farmer of the rent shall not, while so holding, acquire, otherwise than by inheritance or devise, a right of occupancy in any land comprised in the ijaras or farms.

(6) Notwithstanding anything contained in this Act, the relations between the landholder and the person let into possession under sub-sections (2), (3) or (4) shall, during the period and for the purposes referred to therein, be regulated by the contract between the parties."

6. After section 6 of the said Act, the following section shall be inserted, namely:—

Inserted in
Order No. 10
G.O. in
Madras Act
4 of 1905.

" 6 A. A person having a right of occupancy in land does not lose it by subsequently becoming interested in the land as landholder or by subsequently holding the land as an ijaradar or farmer of rent."

From becoming
the land-
holder or
ijaradar or
farmer of
rent.

7. For section 8 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section in
section 8,
Madras Act
2 of 1905.

" 8. (1) Whenever, before or after the commencement of this Act, the occupancy right in any ryot land vests in the landholder, he shall have no right to hold the land as a ryot but shall hold it as a landholder, but nothing in this sub-section shall prejudicially affect the rights of any third person:

Merger of
occupancy
right.

Provided that nothing in this sub-section shall be deemed to apply to land in an inam village which becomes private land within the meaning of sub-clause (b) of clause (10) of section 3.

(2) Whenever, before or after the commencement of this Act, the occupancy right in any ryot land vests in any co-landholder, he shall be entitled to hold the land subject to the payment to his co-landholders of the shares of the rent which may from time to time be payable to them and if such co-landholder lets the land to a third

person, such third person shall be deemed to be a ryot in respect of the land.

(3) The merger, if any, of the occupancy right under sub-sections (1) and (2) shall not except in the case referred to in the proviso to sub-section (1) have the effect of converting ryoti land into private land.

(4) Where after the passing of this Act the interest of the ryot in the holding passes to the landholder by inheritance, the landholder shall, notwithstanding anything contained in this Act, have the right, for a period of twelve years from the date of succession, of admitting any person to the possession of such land on such terms as may be agreed upon between them.

Amendment
of section
10, Madras
Act 4 of
1906.

8. In sub-section (2) of section 10 of the said Act, the words "in respect of a right of occupancy and" shall be omitted.

Substitution
of new sub-
section 13,
Madras Act
2 of 1906.

9. For section 12 of the said Act, the following section shall be substituted, namely:—

Right of ryot
to trees
in holding.

" 12. (1) Subject to any rights which by custom or by contract in writing executed by the ryot before the passing of this Act are reserved to the landholder, every ryot shall have the right to use, enjoy, cut down, carry away or otherwise dispose of all trees now in his holding and in the case of trees which after the passing of this Act may be planted by the ryot or which may naturally grow upon the holding, he shall have the right to use, enjoy, cut down, carry away or otherwise dispose of them notwithstanding any contract or custom to the contrary.

(2) It shall be open to a ryot on payment to the landholder of such compensation as may be fixed by the Collector on an application made to him in that behalf, to acquire the rights reserved to a landholder by custom or by contract in writing executed as aforesaid, in any trees which were in the holding of the ryot before the passing of this Act:

Provided that nothing contained in this sub-section shall be deemed to affect the rights of any third person or to entitle a ryot to acquire compulsorily the landholder's rights to any trees included in a tree patta issued by him to a third person."

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10. In section 13 of the said Act—
 (1) in sub-section (1), for the words 'Where a ryot has a permanent right of occupancy in his holding neither the ryot nor the landholder,' the words 'Neither a ryot nor the landholder' shall be substituted; and
 (2) for sub-section (2), the following sub-section shall be substituted, namely:—
 " (3) Notwithstanding any usage or contract to the contrary, the ryot shall not, by reason of his making an improvement at his expense, become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised as a consequence of such improvement."
11. Section 14 of the said Act shall be omitted.
12. After section 17 of the said Act, the following section shall be inserted, namely:—
 " 17-A. Every landholder by himself or his duly authorized agent may at all reasonable times enter upon any land in his estate for any of the purposes of this Act and may also pressure any land for any such purpose."
13. In section 18 of the said Act, the figures ' 14 ' shall be omitted.
14. For section 20 of the said Act, the following sections shall be substituted, namely:—
 " 20 (1) The Collector may, on the application of the landholder or other person interested, decide any question as to whether any land is or is not of the description mentioned in sub-clauses (a), (b) or (c) of clause (14) of section 3, or as to the customary rights in the use of any land which is of any such description, existing at the commencement of this Act.
 (2) Any person aggrieved by such decision may within a period of one year from the date thereof institute a suit in the Civil Court to establish the right

Amendment of section 13, Madras Act 1 of 1905.

Repeal of section 14, Madras Act 1 of 1905.

Insertion of new section 17-A, in Madras Act 1 of 1905.

Landholder's right to enter on and pressure land.

Amendment of section 18, Madras Act 1 of 1905.

Substitution of new sections 20, 20-A and 20-B for section 20, Madras Act 1 of 1905.

Collector to decide whether land is customary land or not and the customary rights in such land.

Power of
District
Collector to
declare
cessual
lands.

claimed by him in respect of such land but subject to the result of such suit, if any, the Collector's decision shall be final.

30-A. (1) Subject to such rules as the Local Government may prescribe in this behalf, the District Collector may on the application of the landholder, a ryot or any other person interested—

(a) declare that any land or any portion of any land which is set apart for any of the purposes referred to in sub-clauses (a) and (b) of clause (15) of section 3 is no longer required for its original purpose; and

(b) by order in writing direct—

(i) that any such land or portion in respect of which such declaration is made be used for any other specified cessual purpose; or

(ii) if such land or portion is not required for any cessual purpose, that it be converted into Government ryotwari land or landholder's ryoti land according to the reversionary rights in such land vest under the terms, expressed or implied, of the sanad, title-deed or other grant, in the Government or in the landholder;

Provided that before making any such declaration and order, the District Collector shall have due regard to any other customary rights of the landholder or the ryots in the user of such land or portion and shall satisfy himself that the exercise of such rights would otherwise be provided for adequately if the declaration and order are put into effect;

Provided further that in the case of any land of the description referred to in sub-clause (a) of clause (15) of section 3 the reversionary rights in which vest in the landholder under the terms, express or implied, of the sanad, title-deed or other grant, any order under sub-clause (i) of clause (b) shall be made only with the consent of the landholder.

(2) Without the written order of the District Collector under clause (b) of sub-section (1), no land which is set apart for any of the purposes referred to in sub-clauses (c) and (d) of clause (15) of section 3 shall be assigned or used for any other purpose. Nothing contained in this sub-section shall affect or take away or be deemed to affect or take away the customary rights of the landholder or the ryots in the user of any such land.

29-B. (1) When the District Collector is satisfied that no land is set apart for any of the purposes mentioned in sub-clause (i) of clause (16) of section 3, or that any land so set apart or used is inadequate for the purpose, he may, after giving notice to the landholder and the other persons, if any, affected and after making such inquiry as he thinks fit, determine the land or additional land needed for the purpose, and apply to the Local Government for the acquisition of such land under the Land Acquisition Act, 1864. On such application, the Local Government may pass an order directing the District Collector to take order for the acquisition of such land under the said Act. Thereupon the provisions of that Act shall apply as if the Local Government had directed the District Collector to take order for the acquisition of such land under section 7 of the said Act and the land shall, after such acquisition, be set apart for the purpose for which it is acquired.

Power of District Collector to acquire land for revenue and purposes.

The cost of such acquisition including all charges incidental thereto, shall be borne by the Local Government, any local authority or authorities having jurisdiction over the area in which the land is situated, the landholder and the ryots or other persons benefited thereby in such proportions as the District Collector may fix. If a local authority, landholder, ryot or other person makes default in paying its or his share, if any, of such cost, the District Collector may recover such share—

(i) in the case of a local authority, in such manner as may be prescribed; and

(ii) in the case of a landholder, ryot or other person, in the same manner as an arrear of land revenue.

(2) Subject to such rules as the Local Government may prescribe in this behalf, the share, if any, of such cost payable by a ryot under this section together with interest thereon at six per cent per annum may, at the discretion of the District Collector, take the form of annual payments, the amount of such payments being fixed with due regard to the prevailing rents.¹⁵

15 In section 21 of the said Act, for the words and figures "any of the lands mentioned in section 20" the words, figures and letters "any of the lands mentioned in sub-clauses (c) and (d) of clause (16) of section 3" shall be substituted.

Amendment of section 21, Madras Act 7 of 1902.

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Amendment
of section
25, Madras
Act 3 of
1924.

16. In section 25 of the said Act, for the words and figures "orders under sections 20 and 21" the words and figures "orders under section 21" shall be substituted.

Repeal of
section 21,
Madras Act
3 of 1924.

17. Section 23 of the said Act shall be omitted.

Amendment
of section
25, Madras
Act 3 of
1924.

18. In the first paragraph of section 25 of the said Act, the words "other than old waste" shall be omitted and for the words "Every ryot" the words "A ryot," for the words "shall be bound to pay rent at a rate not exceeding" the words "shall not, unless otherwise provided in this Act, be bound to pay rent at a rate exceeding" and for the words "at such rate" the words "exceeding such rate" shall be substituted.

Amendment
of section
26, Madras
Act 3 of
1924.

19. In section 26 of the said Act, for the words "an occupancy ryot," the words "a ryot" shall be substituted.

Amendment
of section
26, Madras
Act 3 of
1924.

20. In section 26 of the said Act, for the words "institute a suit before the Collector" the words "apply to the Collector" shall be substituted.

Amendment
of section
21, Madras
Act 3 of
1924.

21. In clause (a) of section 21 of the said Act, for the words "institution of the suit" in both the places where they occur, the word "application" shall be substituted.

Amendment
of section 22,
Madras Act
3 of 1924.

22. In section 22 of the said Act—

(i) in clause (b) of sub-section (1)—

(a) for sub-clause (i) the following sub-clause shall be substituted, namely:—

"(i) the cost of making the improvement and the proportion in which such cost was borne by the landholder and by the ryot;"; and

(b) sub-clauses (ii) and (iv) shall be renumbered (iv) and (v) respectively and the following shall be inserted as sub-clause (iii), namely:—

"(iii) the probable annual cost of maintenance of the improvement—

(a) to the landholder, and

(b) to the ryot;"; and

(ii) (x) sub-section (2) shall be renumbered as sub-section (3) and the following shall be inserted as sub-section (2), namely:—

" (2) Before executing any improvement, the landholder may, with the previous sanction of the Collector, enter into a contract with the ryot for the payment of an additional rent in consideration of such improvement. On the improvement being effected, the landholder shall apply to the Collector for registration of the same, and the Collector after satisfying himself that the sanctioned improvement has been executed, shall register the same. On or after such registration and on the application of the landholder to enforce such contract, the Collector may pass an order granting such enhancement, not exceeding the additional rent mentioned in the contract, as is found by him to be reasonable with due regard to the considerations specified in clause (b) of sub-section (1)."; and

(b) in sub-section (3) as renumbered, for the word 'decreed' the word 'ordered' shall be substituted.

23. In section 34 of the said Act, for the word 'decreed' the word 'order' shall be substituted.

Amendment
of section
34, Madras
Act 7 of
1908.

24. In section 36 of the said Act, for the words 'passing a decree for' the word 'ordering', for the words 'the decree' the words 'the order', and for the word 'decreed' the word 'ordered' shall be substituted.

Amendment
of section
36, Madras
Act 7 of
1908.

25. For section 37 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 37,
Madras Act I
of 1908.

" 37. An application for enhancement of rent on the ground of a rise in prices shall not be entertained if, within the twenty years next preceding the application, the rent has been enhanced or reduced on the ground of a rise or fall in prices or commuted or a suit or an application for enhancement or reduction of rent on the ground of a rise or fall in prices has been dismissed on the merits:

Amendment
of section 37
by inserting
provision
Apparatus
for enhancement
of rent.

Provided that nothing in this section shall, in respect of pending suits, affect the provisions of rule 1 of Order XXIII of the Code of Civil Procedure, 1908."

Amendment
of section
36, Madras
Act 1 of
1905.

36. In section 36 of the said Act—

(i) in sub-section (1), in the opening paragraph, for the words 'an occupancy ryot' the words 'a ryot' and for the words 'initiate a suit before' the words 'apply to' shall be substituted; and

(ii) in sub-section (3), for the words 'In any suit instituted under this section' the words 'On such an application being made' shall be substituted.

Repeal of
section 37,
Madras Act
1 of 1905.

37. For section 37 of the said Act, the following section shall be substituted, namely:—

Extension
of time for
making an
application
for reduction
of rent.

" 38. When in a suit or on an application under clause (c) of sub-section (1) of section 36, a decree or order has been passed reducing the rent or dismissing the suit or application on its merits, no fresh application shall be entertained under the same clause if made within twenty years from the date of such decree or order:

Provided that nothing in this section shall, in respect of pending suits, affect the provisions of rule 1 of Part III, Order XXXII of the Code of Civil Procedure, 1908."

Amendment
of section
40, Madras
Act 1 of
1905.

40. In section 40 of the said Act—

(i) for sub-sections (1) and (2) the following sub-sections shall be substituted, namely:—

" (1) Where for any land in his holding a ryot pays rent in kind or on the estimated value of a portion of the crop or at rates varying with the crop, whether in cash or in kind, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash, either the ryot or the landholder may apply to the Collector to have the rent on the holding commuted to a definite money rent.

(2) On such application, the Collector shall pass an order declaring the sum to be paid as money rent in lieu of rent in kind or otherwise. The commutation shall take effect from the beginning of the revenue year next after the date of such order."

(ii) in clause (4) of sub-section (3), for the words 'during the preceding ten years' the words 'during the ten years preceding the date of the application' shall be substituted; and

(iii) in clause (b) of the same sub-section, for the words 'occupancy ryots' the word 'ryots' shall be substituted, and after the words 'neighbouring villages', the words 'or where there are none such, in the villages of a neighbouring taluk' shall be inserted.

29. In section 42 of the said Act—

(a) in sub-section (2) the words 'Provided that' shall be omitted; and

(b) after sub-section (2), the following sub-section shall be added, namely:—

"(3) Notwithstanding anything contained in sub-section (2), where by agreement in writing the rent is fixed in proportion to the area or where by agreement in writing the rent is fixed on the basis of an assumed area and the agreement provides for the alteration of the rent when the actual area is found to vary from the assumed area, it shall be lawful for the landlord or the ryot to enforce an increase or decrease of the rent, as the case may be, in consequence of an increase or decrease of area measured in the same unit."

30. Section 43 of the said Act shall be omitted.

31. For sub-section (1) of section 44 of the said Act, the following sub-section shall be substituted, namely:—

"(1) Upon an application under sub-section (3) of section 42 being made, or in proceedings in which it is claimed to enforce an increase or decrease of rent as provided in sub-section (3) of that section, the Collector shall determine the area for which rent has previously been paid and the amount, if any, to be added to or deducted from the rent."

32. Section 45 of the said Act shall be omitted.

33. Sections 46 to 49 of the said Act and the heading thereto shall be omitted.

34. In section 50 of the said Act—

(a) in sub-section (1), the words "with a permanent right of occupancy and also to far as may be to ryots holding old waste under a landlord otherwise than under a lease in writing" shall be omitted; and

Amendment
of section
42, Madras
Act I of
1906.

Repeal of
section 43,
Madras Act
I of 1906.

Amendment
of section
44, Madras
Act I of
1906.

Repeal of
section 45,
Madras Act
I of 1906.

Repeal of
sections
46 to 49,
Madras Act
I of 1906.

Amendment
of section
50, Madras
Act I of
1906.

(ii) after sub-section (1), the following sub-section shall be added, namely:—

"(3) The ryot shall at his request be entitled to have all the lands in his possession in a single village entered in a single patta."

Amendment
of section
55, Madras
Act I of
1908.

35. (1) In sub-section (1) of section 51 of the said Act—

(i) after the words 'by a share of the produce' the words 'any sum payable by the ryot on account of postage fees or delivery rents' shall be inserted; and

(ii) for the words 'such rent, local tax, cess, fee or charge is to be paid,' the words 'they shall be paid' shall be substituted

(2) In sub-section (2) of the same section, for the words 'an occupancy ryot' the words 'a ryot' shall be substituted."

Repeal of
section 53,
Madras Act
I of 1908.

36. Section 53 of the said Act shall be omitted.

Amendment
of section
54, Madras
Act I of
1908.

37. (1) Sub-section (2) of section 54 of the said Act shall be omitted and sub-section (1) renumbered as section 54.

(2) In the section as so renumbered, for the words and figures "in the manner provided for the service of notice under sub-section (2) of section 78," the words "by delivering a copy to him or to some adult male member of his family or to his authorized agent or when such service cannot be effected, by affixing a copy in the village chavadi or, if there is no village chavadi, in some conspicuous place in the village and by sending a copy by post to the ryot at his last known place of residence," shall be substituted, and after the words 'at the cost of the landholder' at the end, the words 'and shall forthwith give intimation of the date of service to the landholder by post' shall be added.

Substitution
of new
section in
section 51,
Madras Act
I of 1908.

38. For section 57 of the said Act, the following section shall be substituted, namely:—

Procedure in
adjudication
of suits for
rent or
share of
produce.

"57. In adjudicating suits under sections 55 and 56, the Collector shall proceed as herein mentioned. If he finds that the defendant is not bound to grant or accept a patta, he shall dismiss the suit. If he finds that the defendant is bound to grant or accept a patta, he shall

decide whether the patta demanded or tendered is a proper one and if he so finds shall pass a decree directing the defendant to grant the patta in exchange for a muchilka or accept the patta and give a muchilka in exchange. If the Collector finds that the patta demanded or tendered is not a proper one, he shall decide what the terms of the patta should be and shall embody such terms in the decree passed by him and the decree shall be of the same force and effect as if a patta and muchilka had been exchanged."

39. In section 61 of the said Act, for the words "An arrear shall bear simple interest" the words "Subject to the provisions of this Act, an arrear of rent shall bear simple interest" shall be substituted.

40. For section 62 of the said Act, the following section shall be substituted, namely:—

"62. (1) Every ryot who makes a payment on account of rent shall be entitled to obtain forthwith a written receipt for the amount paid by him signed by the landholder or other person authorized to receive the rent.

(2) The landholder or other person so authorized shall prepare and retain a counterfoil of the receipt."

41. In section 63 of the said Act, for the words "If a landholder without reasonable cause refuses" the words "If a landholder or other person receiving rent on his behalf refuses without reasonable cause", for the words "in accordance with the provisions of" the words "as required by" and for the words "recover from him by a suit before the Collector" the words "recover from the landholder on application made to the Collector for that purpose" shall be substituted.

42. In the second proviso to section 66 of the said Act, after the words "by the landholder" the words "but the landholder shall bear the cost of transport from the threshing floor to the granary if the distance exceeds three miles" shall be added.

43. In section 67 of the said Act, after the words "for the purpose of receiving rent" the words "or of the person authorized to receive the rent" shall be inserted

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Amendment
of section
63, Madras
Act I of
1905.

43. In section 63 of the said Act—
(1) in sub-section (1), after the words ' full amount
of rent then due ' at the end, the words ' together with
interest, if any, payable thereon ' shall be added; and
(a) sub-section (3) shall be omitted.

Amendment
of section
69, Madras
Act I of
1905.

45. In section 69 of the said Act—
(1) in sub-section (1)—
(a) after the word ' If ' the words ' on a perusal
of the application, ' shall be inserted; and
(b) for the words " to whom an application is
made under the last foregoing section," the words " to
whom it is made " shall be substituted; and
(4) in sub-section (2), for the words and letter " case
(a) of the last foregoing section," the words, figures and
letter " case (a) of sub-section (1) of section 63," for the
words and letter " case (b) of that section," the words
and letter " case (b) of that sub-section," and for the
words and letter " case (c) of that section," the words
and letter " case (c) of that sub-section," shall be substituted.

Substitution
of new
section for
section 70,
Madras Act
I of 1905.
Repeal of
section of
1905.

46. For section 70 of the said Act, the following
section shall be substituted, namely:—

" 70. The Collector receiving the deposit shall
forthwith cause to be affixed, in a conspicuous place at
his office and in the vernacular language of the district,
a notification of the receipt of such deposit containing
a statement of all material particulars and shall also—

in case (a) of sub-section (1) of section 63, cause a
notice of the receipt of the deposit to be served on the
person specified in the application as the person to whom
credit the deposit was to be entered;

in case (b) of that sub-section, cause a notice of the
receipt of the deposit to be posted at the hockholder's
village office or residence and in some conspicuous place
in the village in which the holding is situated, and

in case (c) of that sub-section, cause a like notice to
be served on every person who, the Collector has reason
to believe, claims or is entitled to the deposit."

Amendment
of section
71, Madras
Act I of
1905.

47. To sub-section (1) of section 71 of the said Act,
the following proviso shall be added, namely:—

" Provided that no order for payment shall be made
within fifteen days from the date on which the notification
referred to in section 70 was affixed in the office
of the Collector receiving the deposit."

48. For section 75 of the said Act, the following regulation shall be substituted, namely:—

By-laws
of the
Municipal
Council
of Port
St. George
No. 1 of 1906.
Provision
in such
by-laws.

" 75. (1) On receiving such application, the Collector shall depute an officer by whom such division or apportionment or determination of rent shall be made and issue notice to the applicant and to the opposite party to appear before the said officer on the date and at the time and place specified in the notice together with a person who is a resident of the neighbourhood to serve as an assessor to assist in the division of the produce or apportionment or determination of the crop.

(2) If the opposite party objects that the rent is not taken by division or apportionment or that no rent is payable, the officer deputed shall record the objection but shall proceed as hereinafter provided and transmit the objection when submitting his award to the Collector under sub-section (6).

(3) If, on or before the date appointed in the notice issued under sub-section (1), the dispute has been adjusted, the officer shall not take any further proceedings under this section.

(4) If either party fails to attend or to secure the attendance of an assessor as required by the notice referred to in sub-section (1), the officer deputed shall nominate an assessor on his behalf.

(5) The officer deputed shall record, and in making the award shall have regard to, the opinions of the assessors but shall not be bound thereby.

(6) In the case of a division of the produce if the parties agree to the award, the division shall be made accordingly. If the parties do not agree to such division, and in all cases in which the rent is payable by apportionment of the standing crop, or where the value of a full crop has to be determined, the officer deputed shall make an estimate of the produce or crop and determine the rent payable. He shall then deliver his award after notice to the parties and submit it with a report of his proceedings to the Collector.

(7) The parties shall be at liberty to file objections to the award within fifteen days after the day on which the award was delivered.

(5) (a) The Collector shall hear such objections and the objections, if any, recorded under sub-section (2) and pass orders thereon after such further enquiry, if any, as may appear to him to be necessary.

(b) If an objection is raised that the rent is not payable by division or apportionment, or that no rent is payable, and the Collector upholds the objection, he shall set aside the award.

(c) If the objection is disallowed or if any other objection is raised or if no objection is raised, the Collector, except where the assessors agree with the officer directed in which case the award shall, subject to the provisions of clause (e), be final, may confirm the award or may, after giving an opportunity to the parties to be heard, modify the award as he thinks fit.

(d) The Collector's order for the payment of rent and costs, if any, shall be final unless an objection of the nature described in clause (b) has been raised and shall be enforceable as a decree for arrears of rent.

(e) Where an objection of the nature described in clause (b) has been raised, the Collector's decision thereon shall be subject to an appeal to the District Court. Such appeal shall be presented within thirty days from the date of the Collector's decision.

(3) In any proceedings under this section, the Collector may by order prohibit the removal of the produce until apportionment or division has been effected."

Substitution
of new sec-
tion for
section 77,
Madras Act
2 of 1934.

49. For section 77 of the said Act, the following section shall be substituted, namely:—

Meaning
of movable
property.

" 77. Subject to the provisions hereinafter contained, a landlord shall be entitled to recover any arrears of rent by a suit before the Collector, by distress and sale of movable property or by sale of a ryot's holding.

Explanation.—Movable property for the purpose of this section shall include growing crops and the produce of land or of trees in the defaulter's holding."

50. After section 77 of the said Act, the following sections shall be inserted, namely:—

Insertion of new sections 77-A to 77-F in Malaya Act 1 of 1965.

“ 77-A. No landholder shall have power to proceed against a ryot for the recovery of rent by distraint and sale of his movable property or by sale of his holding unless he shall have exchanged a patta and muchikka with such ryot or tendered him such a patta as he was bound to accept or unless a valid patta or muchikka continues in force; in the case of distraint and sale of movable property, the exchange of patta and muchikka or tender of such a patta as the ryot was bound to accept shall be not less than fifteen days prior to the distraint.

Provision for recovery of arrears by distraint and sale of movable property or sale of holding.

77-B. A patta tendered by a landholder which is partially but not entirely correct shall nevertheless be enforceable to the extent to which it is found to be correct.

Enforceability of partially correct patta.

77-C. Where the patta tendered for a revenue year includes any claim for rent in excess of the amount due under a previous subsisting engagement, all proceedings for the recovery of the rent by distraint and sale of movable property or by sale of the holding shall, on payment of such amount, be stopped and not proceeded with further. The claim for the balance shall be enforceable only by a suit before the Collector:

Provision where landholder claims more than due under previous engagement.

Provided that nothing contained in this section shall apply to the case referred to in sub-section (3) of section 42, in so far as the excess is claimed to be due to an increase in area.

77-D. A landholder shall not be entitled to distraint, except for an arrear of rent which has accrued due within the twelve months preceding the demand under section 78.

Arrears which may be recovered by distraint.

77-E. Where the landholder has sued for any arrear of rent and obtained a decree he shall have no right to distraint movable property for such arrear or to bring the holding to sale therefore under sections 111 to 131 and all proceedings to sell the holding for such arrear taken before the passing of the decree shall be stopped and not proceeded with further.

Prohibition of distraint where decree for rent has been obtained.

Articles
amended
by Act
No. 10.

77-F. The following articles shall not be distrained for arrears of rent:—

(1) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, and such personal ornaments of a woman as in accordance with religious usage cannot be parted with by her;

(2) his ploughs and implements of husbandry, ploughing cattle and manure stocked by the ryot or cultivator and such seed grain as may be necessary for the due cultivation of the holding in the ensuing year."

Amendment
of section 77,
Madras Act 1
of 1904.

51. In section 79 of the said Act—

(i) in sub-section (1), after the words 'amount of the arrear' the words 'with interest' shall be inserted;

(ii) in sub-section (2) for the words 'If the distrainer has notice that the cultivator is some person other than the defaulter' the words 'If any person other than the defaulter notifies the distrainer that he is the cultivator or the owner of the property' shall be substituted; and

(iii) in the same sub-section for the words 'delivered to the cultivator' at the end, the following shall be substituted, namely:—

"delivered to such person in all cases in which the property distrained consists of—

(a) any crops or other products of the earth standing or lying on the holding; and

(b) any crops or other products of the earth which have grown on the holding and have been reaped or gathered and are deposited on the holding or on a threshing floor or place for winnowing grain or the like, whether in the fields or in a homestead."

Amendment
of section 81,
Madras Act 1
of 1904.

52. In section 81 of the said Act, the words 'that it is to say' shall be omitted and after the word 'due' the words 'with interest' shall be inserted.

Amendment
of section 87,
Madras Act 1
of 1904.

53. In sub-sections (1) and (2) of section 87 of the said Act, after the words and figures 'the amount specified in the written demand under section 78 with subsequent interest and costs' the words, figures and letter 'or the amount referred to in section 77-G' shall be inserted.

Substitution
of new
section for
section 85,
Madras Act
1 of 1904.

54. For section 85 of the said Act, the following section shall be substituted, namely:—

" 91. Any person aggrieved by an order under section 85 or section 90 may institute a suit before the Civil Court within one year from the date of the order to establish the right which he claims to the property in dispute and for compensation."

55. In clause (a) of section 93 of the said Act, for the words 'of the cultivator also' the words 'also of the person who notifies that he is the cultivator or the owner' shall be substituted.

56. In section 95 of the said Act—

(i) in sub-section (2), after the word 'cultivator' at the end, the words 'or owner who may also file a suit before the Collector to contest the distraint within fifteen days from the date of the service of such notice' shall be added;

(ii) in sub-section (3), after the word 'village' at the end of the first paragraph, the words 'and communicate it in person or by post to the defaulter and to the cultivator or owner' shall be added; and

(iii) after sub-section (4), the following sub-section shall be added, namely:—

" (5) If for any reason the sale officer is unable to hold the sale on the date fixed under sub-section (3), he may, by order, adjourn the sale to another day. Such order shall be proclaimed and posted in the village in the same manner as an order under sub-section (3). A copy of such order shall be delivered in person or sent by post to the defaulter and to the cultivator or owner."

57. In section 96 of the said Act, for the words 'cultivator aforesaid' the words 'cultivator or owner aforesaid' shall be substituted.

58. For section 101 of the said Act, the following section shall be substituted, namely:—

" 101. If, on the property being put up for sale, a fair price is the estimation of the sale officer is not offered for it and if the defaulter, cultivator or owner of the property or a person authorised to act in his behalf or the defaulter applies to have the sale postponed until the next day or the next market day if a market is held at or near the place of sale, the sale shall be postponed

until the next day or until the next market day, as the case may be, and shall then be completed, whatever price may be offered for the property."

Amendment
of section
103, Malacca
Act 1 of
1904.

59. In the first paragraph of section 103 of the said Act, for the words "certified to the Collector by the sale officer and shall at the instance either of the distrainer, the defaulter, or the cultivator, without prejudice to any other remedy which he may have, be recoverable in a suit before the Collector from the defaulting purchaser," the words "reported to the Collector by the sale officer and the Collector may, on application by the distrainer, the defaulter, the cultivator or the owner and after notice to the defaulting purchaser and hearing his objections, if any, certify the amount recoverable from him and the amount so certified by the Collector shall be recoverable from the defaulting purchaser at the instance either of the distrainer, the defaulter, the cultivator or the owner as if the Collector had passed a decree therefor" shall be substituted.

Amendment
of section
104, Malacca
Act 1 of
1904.

60. In section 104 of the said Act—

(i) in sub-section (1), the words and figures "or has failed to apply to the sale officer for an order under section 92" shall be omitted; and

(ii) in sub-section (3), for the words "may order" the words "shall order" shall be substituted.

Amendment
of section
106, Malacca
Act 1 of
1904.

61. In sub-section (3) of section 106 of the said Act, for the words "discharge of the arrears for which the distraint was made," the words "discharge of the amount for which the distraint was made with subsequent interest up to the date of payment" shall be substituted.

Amendment
of section
112, Malacca
Act 1 of
1904.

62. (1) Section 112 of the said Act shall be renumbered as sub-section (1) of section 112 and in the section as so renumbered—

(i) in the first paragraph for the words "file a suit" the words "institute a suit" and for the words "sent to the Collector," the words "delivered to the Collector" shall be substituted; and

(ii) for the second paragraph, the following paragraph shall be substituted, namely:—

"Four copies of the notice together with the fee for service thereof shall be sent to the Collector who shall cause service to be effected upon the defaulter in the manner provided in sub-section (3) of section 78 for the service of a written demand. A copy of the notice shall also be sent by post to the defaulter."

(2) To the section as so renumbered, the following sub-section shall be added, namely:—

"(3) Any person having an interest in the holding or part thereof who would be affected by its sale may institute a suit before the Collector contesting the right of sale within the period fixed in sub-section (1)."

63. For section 114 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 114.
Madras
Act 1 of
1946.

"114. If the amount specified in the notice under section 112 has not been paid and if no suit contesting the right of sale has been instituted before the Collector within thirty days from the date of service of the said notice, or if such suit has been instituted and the defaulting ryot has been declared to be liable to pay the amount in whole or in part, the landholder may apply to the Collector for sale."

Application
for sale.

64. For section 126 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 126.
Madras
Act 1 of
1946.

"126. (1) On receipt of such application, the Collector shall issue notice to the parties and after hearing such of them as appear shall determine the extent of land to be sold, the lots if any in which it shall be sold, the order in which the lots shall be sold and the estimated value of each lot and shall order the sale, appoint an officer to conduct the sale, draw up the proclamation of sale and direct copies thereof in the vernacular of the taluk to be posted in his office and in the taluk office:

Proclamation
of sale
and
appointment
of selling
officer.

Provided that no such lot shall, except with the consent of the landholder, be less than a revenue field.

(2) The proclamation shall specify—

- (a) (i) the land to be sold;
- (ii) the lots if any in which it shall be sold;
- (iii) the order in which the lots shall be sold;
- (iv) the estimated value of each lot; and
- (v) the rent or rates of rent payable in respect of each lot,

(b) subject to the provisions of section 77-C, the amount specified in the written notice under section 112, or where it has been declared by the Collector as a suit contesting the right of sale instituted under sub-section (1) or sub-section (2) of section 112 that the ryot is liable to pay only a part of the amount specified in such notice, such part, together in each case with costs and interest, if any, up to the date of the order of the sale;

(c) any encumbrance subject to which the land is liable to be sold; and

(d) every other thing which the Collector considers material for the purchaser to know in order to judge the nature and value of the land."

65. For section 117 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 117,
Madras
Act 2 of
1905.

Copy of
order of
officer.

" 117. (1) The selling officer shall, by order, fix the date, time and place of the sale and direct a copy of the order in the vernacular of the taluk to be posted in the taluk office and cause the contents of the order and of the proclamation of sale to be published by beat of drum in the village where the holding is situated. He shall also post a copy of the order and of the proclamation of sale in the village chavadi, or if there is no village chavadi in a conspicuous place in the village and shall send a copy of his order and of the proclamation of sale to the defaulter by post. A copy of the order and proclamation shall be published in the District Gazette.

(2) In fixing the date of sale not less than thirty days shall be allowed from the date on which publication by beat of drum is made as aforesaid.

(3) If, for any reason, the selling officer is unable to hold the sale on the date fixed under sub-section (1), he may from time to time by order adjourn the sale to another day. Such order shall be published and posted in the village in the same manner as an order under sub-section (1). A copy of such order shall be delivered to the defaulter in person or sent to him by post."

Amendment
of section
117, Madras
Act 2 of
1905.

66. In section 118 of the said Act, for the words "said amount," the words "amount mentioned in the proclamation of sale" shall be substituted.

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67. In section 120 of the said Act, for the words 'in one or more lots as the selling officer may think advisable,' the words 'in one or more lots as may be specified in the proclamation of sale' shall be substituted, the words 'but so much lot shall, except with the consent of the landholder, be less than a revenue field' shall be omitted, and for the words 'the costs of distress and sale' the words 'the expenses and the costs of the sale' shall be substituted.

Amendment
of section
120, Madras
Act 1 of
1934.

68. After section 120 of the said Act, the following section shall be inserted, namely:—

Insertion of
new section
120-A in
Madras Act
1 of 1934

" 120-A. (1) A landholder who has brought to sale a ryot's holding or part thereof for an arrears of rent may bid for or purchase the same.

Right of
landholder
to bid for
holding and
any and
amount due
to him.

(2) Where the landholder purchases, the purchase money and the amount due to him as mentioned in the proclamation may be set off one against the other."

69. In section 122 of the said Act—

Amendment
of section
122, Madras
Act 1 of
1934.

(i) for the words 'costs of the sale' the words 'the expenses and the costs of the sale' shall be substituted; and

(ii) at the end, the following sentence shall be added, namely:—'The selling officer shall receive the amount tendered and transmit the same forthwith to the Collector.'

70. For section 123 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 123,
Madras Act
1 of 1934.

" 123 (1) The price of every lot, or where the landholder is the purchaser, the balance of such price after deducting any amount which he sets off under sub-section (2) of section 120-A, or the poundage payable by him under clause (b) of sub-section (1) of section 127, whichever is greater, shall be paid to the selling officer at the time of the sale, or as soon thereafter as he may direct.

Payment of
purchase
money and
poundage
of sale.

(2) In default of such payment the property shall be put up again and sold and any deficiency in price, which may happen on such second sale and all expenses attending such second sale including the poundage payable in respect thereof, shall be certified to the Collector by the selling officer and the Collector may, on application by

the landholder or the defaulter and after notice to the defaulting purchaser and hearing his objections, if any, certify the amount recoverable from him and the amount so certified by the Collector shall be recoverable from the defaulting purchaser at the instance either of the landholder or the defaulter, as if the Collector had passed a decree therefor.

Any sum recovered under this sub-section from the defaulting purchaser shall be dealt with under section 127, as if it were proceeds of the sale.

(3) As soon as the payment referred to in sub-section (1) is made, a notification shall be published in the issue of the District Gazette immediately following, giving particulars of—

- (i) the date of sale,
- (ii) the lands sold,
- (iii) the price for which they were sold, and
- (iv) the names of the purchaser, defaulter and landholder concerned."

Substitution
of new
section for
section 125
Madras Act
2 of 1936.

71 For section 124 of the said Act, the following section shall be substituted, namely:—

Transmission
of purchase
money to
Collector
and grant of
certificate of
sale.

" 124. (1) All moneys received by the selling officer under sub-section (1) of section 123 shall forthwith be transmitted to the Collector.

(2) On the expiration of forty-five days from the date of sale as specified in the notification under sub-section (3) of section 123, the Collector shall, if no application has been made to set aside the sale under section 131 or if such application has been made and rejected, grant a certificate of sale to the purchaser stating the property sold, the name of the purchaser, the date of the sale and the price at which the property was purchased and shall place him in possession of the property sold.

(3) The Collector shall also cause a copy of the certificate to be posted in the village chavadi of the village in which the lands are situated or, if there is no village chavadi, in a conspicuous place in the village. A copy of the certificate shall also be published in the District Gazette."

72. In section 126 of the said Act, after the words "this Act" occurring at the end, the words "but not subject to any arrears of rent due in respect of the holding before the date of sale, or to interest on such arrears, whether a decree has been obtained or not for such arrears or interest" shall be added.

Amendment of section 126, Madras Act I of 1904.

73. (1) Section 127 of the said Act shall be renumbered as sub-section (2) of that section and the following shall be inserted as sub-section (1), namely:—

Amendment of section 127, Madras Act I of 1904.

"(1) (a) From the proceeds of every sale of a holding or part of a holding under this Act, the Collector shall make a deduction at a rate not exceeding one anna in the rupee for poundage."

(b) If the landholder purchases the property and sets off any sum due to him against the purchase-money, he shall pay the amount chargeable for poundage at the rate specified in clause (a).

(c) The amount deducted or paid on account of poundage shall form part of the costs and expenses of the sale."

(2) In sub-section (2) of the said section as renumbered—

(a) in the opening paragraph, for the words "In disposing of the proceeds of a sale of a holding under this chapter" the words "In disposing of the balance of the proceeds of the sale" and for the words "shall be observed" the words, figures and letter "shall, subject to the provisions of sub-section (3) of section 120-A, be observed" shall be substituted;

(b) in clause (c), for the words "rent which may have fallen due to him in respect of the holding between the date of application or sale" the words and figures "arrears of rent and interest due in respect of the holding between the date of the notice under section 112" shall be substituted; and

(c) in the proviso after clause (c) for all the words beginning with the words "of this section" up to the end the words and figures "until after the grant of a certificate of sale under sub-section (3) of section 124" shall be substituted.

74. Section 130 of the said Act shall be omitted.

Deletion of section 130, Madras Act I of 1904.

Substitution
of new sec-
tion for
section 131,
Madras Act
1 of 1944

Application
to set aside
sale on
deposit of
purchase
money.

75. For section 131 of the said Act, the following section shall be substituted, namely :—

" 131. (1) When a ryot's holding or part thereof is sold for an arrear due thereon, the defaulting ryot, or any person having a right or interest therein affected by the sale, may apply to the Collector to have the sale set aside on his depositing with that officer—

(a) for payment to the Government, the amount deducted for poundage under clause (a) of sub-section (1) of section 127;

(b) for payment to the landholder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, together with subsequent costs, if any, incurred by the landholder in bringing the holding to sale, and including, where the landholder is the purchaser, the amount paid by him for poundage under clause (b) of sub-section (1) of section 127 less any amount which may, since the date of the proclamation of sale, have been received by the landholder; and

(c) for payment to the purchaser, a sum equal to five per centum of the purchase money.

(2) If such deposit is made the Collector shall pass an order setting aside the sale, and directing repayment of the purchase money and the five per centum to the purchaser :

Provided that where the landholder is the purchaser, only the five per centum and the balance of the purchase money after deducting the amount which he sets off under sub-section (2) of section 120-A shall be directed to be repaid to him as purchaser."

Amendment
of section
134, Madras
Act 1 of
1944.

76. In section 134 of the said Act, after clause (3), the following new paragraph shall be added :—

" The provisions contained in this Chapter for the recovery of rent from a ryot by a suit before the Collector, shall apply, as far as may be, to the recovery of rent by a landholder from a ryot holding, under a written engagement specifying the rent payable, a tree or trees apart from the land in which they stand in the same village as that in which he holds land as a ryot."

11: For Chapters VII and VIII of the said Act, the following Chapters shall be substituted, namely:—

Substitution
of new
Chapters for
Chapters
VII and
VIII, Madras
Act 1 of
1905.

CHAPTER VII.

RECOVERY OF EXCESS PAYMENTS.

135. A landholder shall not be entitled to take, receive, or exact from his ryots as such, under any name or under any pretence anything in addition to the rent lawfully payable. All stipulations and reservations for such additional payment shall be void.

Prohibition
of payments
in addition
to rent.

136. Every ryot from whom as such, anything has been taken, received or exacted by the landholder in addition to the rent lawfully payable, shall be entitled to recover by a suit before the Collector the amount or value of what has been so taken, received or exacted, and where anything has been exacted, also such sum by way of penalty as the Collector thinks fit, not exceeding one hundred rupees or, when double such amount or value exceeds one hundred rupees, not exceeding double that amount or value.

Recovery of
such payments
and
penalties.

CHAPTER VIII.

IRRIGATION WORKS.

136-A. In this Chapter—

(1) the 'syaoot' of an irrigation work shall mean 'Apanah' all the lands which are entitled to irrigation under the irrigation work;

(2) 'major irrigation work' shall mean an irrigation work of which the syaoot is 200 acres or more in extent and any other irrigation work notified by the District Collector under section 136-B; and

'Major
irrigation
work.'

(3) 'minor irrigation work' shall mean any irrigation work which is not a major irrigation work.

'Minor
irrigation
work.'

136-B. The District Collector may, by notification in the District Gazette, declare that any irrigation work shall be deemed to be, or to be part of, a major irrigation work for the purposes of this Chapter, notwithstanding that its syaoot is less than 200 acres.

Notification
of certain
works as
major irrigation
works.

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- (a) on the ground that the work is so situated that any railway may appear liable to be injured from the escape or overflow of water therefrom; or
- (b) for any other special reason.

The ground or reason for every declaration under this section shall be specified in the notification.

Applications
to whom to
be made.

136-C. Applications under this Chapter shall be made—

- (a) to the District Collector in the case of a major irrigation work, and
- (b) to the Revenue Divisional Officer in the case of a minor irrigation work.

Inquiry on
application.

136-D. The officer to whom an application is made under this Chapter may himself inquire into the application or depute an officer subordinate to him not below the rank of a Deputy Tahsildar to make the inquiry. The officer making the inquiry shall fix a date and the time and place at which the inquiry will take place and cause to be served on the respondent or respondents a copy of the application and a notice to show cause why the order prayed for should not issue. The notice shall also be posted in the village or villages where the land irrigated is situated and shall also be published in the manner prescribed so as to give notice to the ryots holding lands in the aforesaid of the irrigation work. On the day fixed in the notice or, on any other date to which the inquiry may be adjourned, the officer making the inquiry shall hear the applicant or applicants, the respondent or respondents and any ryots interested who may attend, and may take evidence and make such further inquiry as he may think fit. If the inquiry is made by an officer other than the officer to whom the application is made, he shall make a report thereon to the officer to whom the application is made and shall send him the records of the enquiry; and the officer to whom the application is made shall pass his order after considering the report and hearing the objections, if any, of the parties.

Determines
time of
enquiry.

137. The landholder in whose estate an irrigation work is situated or any ryot or ryots holding land irrigable from the irrigation work may apply for an order determining what lands are or should be included in the aforesaid of such irrigation work. On inquiry or report under section 136-D, the officer to whom the application is made shall pass an order—

(a) determining what lands are or should be included in the avast of such irrigation work, and

(b) classifying any such lands as 'irrigated' or 'garden' if they are not already so classified, and

(c) determining the rate of rent to be paid on the lands so classified.

137-A. Where the avast of an irrigation work in an estate has been determined by an order passed under section 137 or in a record-of-rights published under Chapter XI, the landholder of the estate may apply for sanction to extend such avast by the inclusion in it of the land or lands mentioned in the application. On inquiry or report under section 136 D the officer to whom the application is made may pass an order—

(a) sanctioning the extension of the avast by the inclusion of such lands mentioned in the application as he finds can be included in the avast without prejudice to the irrigation in the customary manner of the lands already included in the avast, and

(b) reclassifying the lands newly included in the avast under clause (a) as 'irrigated' or 'garden,' and

(c) determining the rate of rent to be paid on lands so reclassified.

137-B. Where the avast of an irrigation work in an estate has been determined by an order passed under section 137 or by a record-of-rights published under Chapter XI, the landholder shall not be entitled to extend such avast except in pursuance of an order under section 137 A.

137-C. Any ryot holding land under a landholder as irrigated or garden land in the avast of an irrigation work, may apply for an order for the reclassification of such land as unirrigated land, on the ground that it has not been possible for a period of not less than six consecutive years immediately prior to the date of application, to irrigate such land from such irrigation work. If on inquiry or report under section 136-D the officer to whom the application is made finds that it has not been possible for a period of not less than six consecutive years immediately prior to the date of application, to irrigate such land or any portion of it from the irrigation work in the avast of which it is included, he may pass an order reclassifying such land or portion as unirrigated and determining the rate of rent to be paid on the land or portion so reclassified.

Sanction to extend avast.

Prohibition of extension of avast except by order.

Reclassification of irrigated or garden land as unirrigated.

Determina-
tion of rate
of rent
on ryots' and lands.

137-D (1) In determining the rate of rent under clause (c) of section 137, clause (c) of section 137-A or section 137-C, the officer to whom the application is made shall have due regard to the rate of rent for similar lands, if any, with similar advantages in the neighbourhood.

(2) Nothing contained in Chapters III and XI shall be deemed to affect the powers of the said officer to determine the rates of rent under any of the provisions referred to in sub-section (1).

Application
for repair of
irrigation
work.

138. Any ryot or ryots holding land under a landholder in the ryotwari of an irrigation work, and

(a) paying not less than one-fourth of the rent of the ryotwari, or

(b) holding not less than one-fourth of the extent of the ryotwari, or

(c) depositing such amount not exceeding two hundred rupees in the case of a major irrigation work and one hundred rupees in the case of a minor irrigation work as may be demanded by way of security,

may apply for the issue of an order for the repair of the work if the work is in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it and if the landholder upon his or their application has refused or neglected to execute the necessary repairs. The application shall state in sufficient detail the facts on which the claim of the applicant or applicants is based and the general nature of the defects in the irrigation work. Any ryot or ryots intending to file an application under this section and any person or persons authorized by him or them shall have free access to the irrigation work concerned to enable him or them to state these facts and the general nature of these defects.

Explanation.—Repairs shall not include petty works such as yearly clearance of supply and distribution channels or minor repairs which the ryots are by law or custom bound to carry out.

Inquiry and
order as
to
application.

139. (1) (a) If an inquiry or report under section 138-D, the officer to whom the application is made is satisfied—

(i) that the irrigation work is in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it; and

(ii) that the state of disrepair is not due exclusively to the wrongful acts of the ryots or to omission to make

such petty works or minor repairs as the ryots are by law or custom bound to carry out, he may pass an order specifying the works necessary for the restoration of the irrigated work to efficiency and the estimated cost of the same and requiring the landholder to execute the said works within a specified time which may be extended from time to time by the officer. In passing an order specifying or extending the time, the officer shall consider any representations made by the ryot or ryots who made the application and pay due regard to the capacity of the estate of such landholder to bear within such time, the cost of such works in addition to the cost of other works, if any, ordered by such officer or by any other officer to be executed by such landholder or undertaken by such landholder of his own accord.

(3) If on such inquiry or report, the officer to whom the application is made is satisfied—

(i) that the irrigation work is not in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it; or

(ii) that the state of disrepair is due exclusively to the wrongful acts of the ryots or to omission to make such petty works or minor repairs as the ryots are by law or custom bound to carry out, he shall dismiss the application.

(2) (a) The costs incurred by the applicant or applicants or by the landholder in connexion with the application, shall be in the discretion of the officer to whom the application is made and he shall have full power to determine by whom and to what extent such costs are to be paid:

Provided that the amount awarded as costs shall be reasonable and that the amount awarded to the landholder shall in no case exceed two hundred rupees in the case of a major irrigation work and one hundred rupees in the case of a minor irrigation work.

(b) Where any security has been deposited under section 148 the officer aforesaid may, if he awards costs to the landholder under clause (a), pay such costs out of the amount of such security and where such officer is satisfied that the application was frivolous, he may also declare the whole or part of the balance, if any, of the said amount to be forfeited to the Government.

(3) An order passed under clause (a) of sub-section (1) shall declare that, if the landholder refuses or

within the time specified in such order or extended from time to time under that clause fails to execute the works, he shall deposit the amount of the estimated cost within a time to be specified in that behalf. If the landholder fails to make the deposit within the time so specified or within such further time as may be allowed, the officer passing the order shall recover the same from the landholder as if it were an arrear of land revenue.

(4) On the estimated cost being deposited or recovered as aforesaid, the officer shall get the works executed so soon as may be by such persons and in such manner as he may direct and meet the cost of such works from the amount deposited or recovered as aforesaid.

(5) If the amount of the estimated cost deposited by or recovered from the landholder as aforesaid is found insufficient for the completion of the works, the officer may require the landholder to deposit such further sum as may be necessary for the purpose within a specified time and failing such deposit shall recover the same as if it were an arrear of land revenue and the amount so deposited or recovered shall be utilized by the officer for meeting the cost of the works.

(6) If the amount deposited or recovered from the landholder under this section exceeds the cost of the works, such excess shall be refunded to him.

Explanation.—For the purposes of this section, the cost of any works shall include the cost, if any, of the inspection of the same after completion.

Liability of
dasabandam
inmate.

140. (1) Where the default to maintain the irrigation work in good repair is that of a holder of a dasabandam inam granted prior to the permanent settlement and secured but not enfranchised by the British Government, the holder of the estate served by the irrigation work shall be entitled to call on the holder of the dasabandam inam to execute the works specified in the order passed under clause (a) of sub-section (1) of section 139 or to pay for their execution and on his default to do either, such holder of the estate may execute the said works as directed in the order and recover the cost of the same from the dasabandam inamdar by suit before the Collector. The amount of the decree may be recovered as if it were an arrear of rent.

(2) Nothing contained in sub-section (1) shall be deemed to affect the right of such holder of the estate to create such inam for proper cause.

141. At the time of passing an order under clause (c) of sub-section (1) of section 139 or at any time subsequent thereto, the officer passing the order may, on the application of any ryot or ryots holding land in the system of the irrigation work in respect of which such order is passed, direct such temporary reduction of rent as he thinks fair and equitable until the works specified in such order have been completed.

Temporary reduction of rent pending completion of works of repair.

142. (1) If the irrigation work serves partly an estate and partly Government land, the repair as aforesaid shall invariably be executed by the District Collector, and after notice to the landholder giving him an opportunity to examine the stated cost of the repair and urge his objection thereto, if any, the charges incurred shall be divided between the Government and the landholder in proportion to the extent of land belonging to Government which is registered as entitled to irrigation from the work and the extent of land belonging to the landholder for which he is entitled free of separate charge to irrigation from the work. The portion due by the landholder shall be recoverable as an arrear of land revenue.

Irrigation works serving partly an estate and partly Government land.

(2) Nothing in sub-section (1) shall apply to irrigation works belonging to the Government, which the Government are bound to maintain, and from which the landholder is entitled to a supply of water free of charge.

(3) A landholder who is dissatisfied with an order of the District Collector under this section may sue in a Civil Court to have it set aside or modified on either of the following grounds:—

(a) that he is under no obligation to repair the irrigation work concerned;

(b) that the portion of the charge which he is liable to pay under sub-section (1) has been wrongly calculated.

If the order is set aside or modified, the Court shall direct the refund of any amount found to have been improperly levied.

143. (1) The provisions of this Chapter shall apply, so far as may be, to an irrigation work serving more than one estate.

Irrigation works serving more than one estate.

(2) Where an irrigation work serves more than one estate the Local Government may make rules for—

(a) regulating the procedure to be adopted;

(b) determining and adjusting the rights and liabilities of the landholders and the ryots concerned; and

(c) providing for the recovery of the cost of carrying out the repairs.

Has no
provisions
of civil
code.

144. No Civil Court shall issue an injunction or save as provided under section 142 entertain a suit regarding the proceedings of a District Collector or Revenue Divisional Officer under this Chapter."

Registration
of land
and
for sections
145 and 146,
Section Act
I of 1908.

78. For sections 145 and 146 of the said Act, the following section shall be substituted, namely:—

Recognition
of transfer
or division
of holding
or portion of
a holding

"145. (1) Whenever a holding or any portion thereof is transferred or whenever the same devolves by operation of law, the landholder shall, subject to the provisions of this section, be bound to recognise such transfer or devolution and enter into a fresh engagement or engagements as hereinafter provided.

(2) Where a holding or any portion thereof is transferred by the act of a ryot, the landholder on receiving notice thereof in writing from the transferor and the transferee shall recognise the transfer.

Any person presenting for registration any document transferring a holding or any portion thereof shall present therewith a notice in writing signed by the transferor and the transferee and addressed to the landholder, asking for recognition of the transfer, and shall also pay to the registering officer such fee as the Local Government may prescribe for the transmission of such notice to the landholder. The landholder shall recognise the transfer on receipt of the said notice.

(3) Where there is a binding adjudication as to the fact and validity of a transfer of a holding or any portion thereof in any proceeding before a Civil or Revenue Court to which both the transferor and the transferee are parties, the landholder shall, on the production of a certified copy of the judgment, decree or order in such proceeding, be bound to recognise such transfer.

(4) Where a holding or any portion thereof is transferred in pursuance of a decree or order of a Civil

Court, or by a sale for arrears of rent, or for arrears of Government revenue, or for any demand recoverable as arrears of Government revenue or as arrears of rent, such transfer shall be recognized by the landholder on production of a certified copy of the decree or order establishing the transfer, or in cases in which the transfer is effected by sale under the order of any Court or public officer, on production of the sale certificate or a certified copy thereof.

(5) Where a holding or any portion thereof devolves by operation of law, the landholder on receiving notice thereof in writing from the person on whom the holding has devolved shall recognize the devolution.

(6) (a) Where either the transferor or the transferee fails to join the other in applying to the landholder for recognition of the transfer, the transferee or the transferor, or where any dispute arises as to the person or persons on whom the holding or portion thereof has devolved, any person claiming by devolution the holding or portion, may apply to the Collector for an order certifying the transfer or the devolution as the case may be.

(b) The Collector, after giving notice to the transferor or transferee or other persons interested and after making such inquiry as he thinks fit as to the fact and validity of the transfer or as to the person or persons on whom the holding or portion has devolved may pass an order certifying the transfer or devolution as the case may be. On production of a certified copy of such order the landholder shall be bound to recognize the transfer or the devolution.

(c) Nothing in this sub-section shall bar any suit in a Civil Court for establishing or setting aside any transfer or for enforcing any claim based on a devolution by operation of law.

(7) Where the landholder has recognized the transfer or devolution of any holding or portion thereof under the foregoing provisions of this section—

(i) in case the transfer or devolution is of the entire holding, the landholder shall be bound to enter into a separate engagement with the transferee or the person on whom the holding devolves, or if there is more than one such transferee or person into a joint engagement with such transferees or persons;

(ii) in case the transfer or devolution is of a portion of the holding and the portion is not defined by metes and bounds, the landholder shall be bound to enter into a joint engagement with the transferee and the transferee and the other co-sharers, if any, or with the person or persons on whom the portion of the holding devolves and the other co-sharers, if any;

Provided that if the transferee has ceased to possess any interest in the holding, his name may with his consent be omitted from such engagement;

(iii) in case the transfer or devolution is of a portion of the holding and the portion is defined by metes and bounds the landholder shall be bound to enter into separate engagements with the holders of the subdivisions:

Provided that the landholder shall not be bound to enter into such engagements unless each of the subdivisions conforms to the rules made by the Local Government in that behalf.

(3) In any case falling under the proviso to clause (ii) of sub-section (7), where the landholder does not enter into separate engagements with the holders of the subdivisions, he shall be bound to enter into an engagement with them jointly.

(4) The distribution of rent between the subdivisions referred to in clause (ii) of sub-section (7) shall be made in the first instance by the landholder.

If the distribution of rents be delayed for over six months or is not assented to by any of the parties concerned, the Collector shall on application by any such party make such distribution and the same shall be binding on the landholder and on all the other parties concerned.

(10) The transfer of a holding or the recognition thereof by the landholder shall in no way affect the charge on the holding or the lands comprised therein for the rent which accrued due thereon prior to the date of the transfer or its or their liability therefor.

(11) The provisions of this section shall apply to the partition of a holding among co-sharers as if it were a transfer."

*Amendment
of section
147, Madras
Act I of
1924.*

79. In section 147 of the said Act—

(i) in sub-section (1), for the words and figures 'prior to the giving of notice under section 146 or prior

to the production of such copy of the decree or order or certificate of sale under section 146 in so far as, the following words, figures and letters shall be substituted, namely:—

" prior to—

(a) the giving of the notice under sub-section (2) of section 145, or

(b) the production of the certified copy of the judgment, decree or order under sub-section (3) of that section, or

(c) the production of the certified copy of the decree or order or the sale certificate or certified copy thereof under sub-section (4) of that section, or

(d) the production of a certified copy of the order under sub-section (5) of that section in so far as "

(ii) in sub-section (2), for the words and figures ' The notice required under section 145 shall be served,' the words and figures ' Any notice required under section 145 may also be served ' shall be substituted; and

(iii) in sub-section (5), after the words ' until notice is given in writing as aforesaid,' the words, letters and figures ' or until the document referred to in clauses (b), (c) or (d) of sub-section (1), as the case may be, is produced ' shall be inserted.

80. In sub-section (1) of section 149 of the said Act—

(i) the words ' other than a ryot of old waste bound by a lease or other written agreement for a fixed period ' shall be omitted; and

(ii) after the word ' relinquish,' the words ' by a notice in writing signed by him ' shall be inserted.

81. In sections 161 and 162 of the said Act, for the words ' an occupancy ryot,' the words ' a ryot ' shall be substituted.

82. Sections 163 and 164 of the said Act shall be omitted.

83. Section 167 of the said Act shall be omitted.

Amendment
of section
146, Madras
Act I of
1908.

Amendment
of sections
151 and 161,
Madras Act
I of 1908.

Repeal of
sections 145
and 146,
Madras Act
I of 1908.

Repeal of
section 167,
Madras Act
I of 1908.

Amendment
of heading
to section
153, Madras
Act 2 of
1956.

84. In the heading before section 153 of the said Act, after the word 'tenants,' the words 'and ejectment of trespassers' shall be inserted.

Amendment
of section
153, Madras
Act 2 of
1956.

85. In section 153 of the said Act—

(i) for the words "if no suit has been filed by the defendant before the Collector" the words "if no application has been made by the defendant to the Collector" shall be substituted; and

(ii) for the words "such suit" the words "such application" shall be substituted.

Substitution
of new
section
153 and
153-A, in
section 153,
Madras Act
2 of 1956.

86. For section 153 of the said Act the following sections shall be substituted, namely:—

Amount of rent
and damages
payable for
unauthorised
occupation
of ryot
land.

" 153. A person who unauthorisedly occupies for agricultural purposes ryot land which at the time of the occupation is not held by any ryot, shall be liable to pay for each revenue year or portion thereof the rent fixed for that land or, if no rent has been fixed, such sum as the Collector may, on application, determine to be fair and equitable.

He shall also be liable to pay, as damages for the unauthorised occupation such sum not exceeding one year's rent as is fixed or determined, as the Collector may on application award, and the landholder may recover all sums due under this section as if they were arrears of rent.

Repeal of
section
153-A.

153-A. (1) (a) Any person who otherwise than by inheritance or legal transfer occupies ryot land in an estate and has not been admitted as a ryot by the landholder or is not deemed to have been admitted as a ryot under the provisions of Explanation (2) to sub-section (1) of section 6 shall be liable to ejectment as a trespasser by suit in a civil court.

(b) Such suit shall be instituted within twelve years from the date of commencement of the occupation.

(c) It shall not be open to the defendant in such suit to set up the plea that he has, since the institution of the suit, acquired the status of a ryot by virtue of the Explanation to clause (15) of section 5.

(2) In any suit for ejection under this section, the landholder shall also be entitled to mesne profits and damages for unauthorized occupation which shall be assessed at the rates fixed under section 163 or if there are no such rates at the rates which the court may determine in accordance with the provision contained in section 163:

Provided that where the landholder has received rent for any year, he shall not be entitled to any further damages for unauthorized occupation for that year."

87. (1) The sub-section (3) of section 164 of the said Act the following sub-sections shall be substituted, namely:—

Amendment
of section
164, Madras
Act I of
1909.

"(3) The survey shall be made under the Madras Survey and Boundaries Act, 1923, and the record-of-rights shall be prepared in accordance with the rules prescribed by the Local Government, and may, if the Local Government so direct, include—

(a) a record of all rights and obligations of each ryot and landholder in respect of—

(i) the use by the ryots of water for agricultural purposes whether obtained from a tank, well or any other source of supply; and

(ii) the repair and maintenance of works for securing a supply of water for the cultivation of the land held by such ryot whether or not such works be situated within the boundaries of such land; and

(b) a record of any special rights which by law or by custom, the ryots may have in the waste land of the estate.

(4) Certified copies of the survey plan, survey land register and field measurement sheets relating to any village or the area therein which has been surveyed shall be furnished to the karnam of such village and shall be available for inspection by the ryots thereof."

(5) To the same section, the following Explanation shall be added, namely:—

"Explanation.—In the case of an estate already surveyed which or a portion of which is taken up for the preparation of a record-of-rights under this section the survey required by this section may be limited to what is necessary for the preparation of a record-of-rights."

Amendment
of section
145, Madras
Act I of
1906.

88. In section 145 of the said Act—

(i) in clause (b), the words 'and whether the ryot is an occupancy or a non-occupancy ryot' shall be omitted; and

(ii) in clause (j), after the words and figures 'ordered under sub-section (3) of section 164,' the words 'and the record of special rights in the waste land ordered under the same sub-section' shall be added."

Amendment
of section
146, Madras
Act I of
1906.

89. In section 146 of the said Act—

(i) after sub-section (5), the following sub-sections shall be inserted, namely:—

"(3-A) The Collector shall, along with the final record, cause to be published the name or official designation of the person to whom and the date on or before which the Local Government direct that applications for settlement of rent under sub-section (2) of section 163 should be made.

Any date fixed by the Local Government under this sub-section shall not be earlier than six months from the date of publication of the final record.

(3-B) A certified copy of the final record-of-rights relating to any village or the area therein for which such record-of-rights has been prepared as well as of all amendments thereto made under the provisions of this Chapter shall be furnished to the karnam of each village and shall be available for inspection by the ryots thereof;" and

(ii) in sub-section (2) after the words 'may be published,' the words 'and separate dates fixed' shall be inserted.

Amendment
of section
146, Madras
Act I of
1906.

90. (1) In sub-section (1) of section 163 of the said

(i) for the words and figures 'If within two months from the date of the final publication of the record-of-rights under sub-section (2) of section 166' the words and figures 'If on or before the date fixed under sub-section (3-A) of section 146 in respect of any village or any area for which a record-of-rights is published where such area is less than a village or within such further period, if any, as the Local Government may, in their discretion, from time to time think fit to allow' shall be substituted;

(ii) for the words 'holders of not less than one-fourth,' the words 'holders of not less than one-eighth' shall be substituted,

(iii) for the words 'holdings in the village,' the words 'holdings in such village or area' shall be substituted; and

(iv) after the words 'in respect of the land' at the end, the words 'situated in such village or area' shall be added.

(3) After sub-section (1) of the same section, the following sub-section shall be inserted, namely:—

"(1-A) Notwithstanding anything contained in sub-section (1), the Local Government may at any time direct the Collector to settle a fair and equitable rent in respect of the land situated in any village or area for which a final record-of-rights has been published separately under section 165."

91. In sub-section (2) of section 170 of the said Act, after the sentence ending with the words 'return for revision' the following sentence shall be added, namely:—

Amendment of section 170, Madras Act 1 of 1926.

"The confirming authority shall have power to modify any order passed by the Collector on any objection made under section 169."

92. For section 171 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for section 171, Madras Act 1 of 1926.

"171. An appeal, if presented within three months from the date of the final publication of the record-of-rights under sub-section (3) of section 170, shall lie from every order passed by a Collector on any objection made under section 169, with such modification, if any, as may be made therein by the confirming authority under sub-section (2) of section 170 and such appeal shall lie to such superior Revenue authority as the Local Government may, by rule, prescribe or to an officer specially empowered by the Local Government in this behalf."

Appeal to superior Revenue authority.

93. For section 172 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for section 172, Madras Act 1 of 1926.

Decided by
Board of
Revenue.

" 172. The Board of Revenue may, in any case on application or of its own motion, direct the revision of any record-of-rights, or any portion of a record-of-rights, at any time within two years from the date of the final publication under sub-section (2) of section 166, or if there has been a settlement of rent under section 168, within two years from the date of republication under sub-section (3) of section 170, but not so as to affect any order passed by a Civil Court under section 173 ;

Provided that no such direction shall be made until reasonable opportunity has been given to the parties concerned to appear and be heard in the matter.

Explanation.—' The Board of Revenue ' in this section shall mean the collective Board if one member of the Board has already heard an appeal under section 171."

Amendment
of section
173, Madras
Act I of
1905.

94. In section 173 of the said Act—

(i) in sub-section (1), for the words ' which would have jurisdiction to entertain a suit for the possession of the land to which the entry relates or in respect of which the omission was made ' the words ' for the relief he claims ' shall be substituted;

(ii) sub-section (3) shall be omitted and sub-section (5) renumbered as sub-section (4); and

(iii) for sub-section (4) as so renumbered, the following sub-section shall be substituted, namely:—

" (4) The Court shall notify its decree to the District Collector."

Amendment
of section
174, Madras
Act I of
1905.

95. In section 174 of the said Act, the words ' orders or ' shall be omitted, before the word ' Collector ' the word ' District ' shall be inserted and for the word and figure ' sub-section (1), ' the word and figure ' sub-section (4) ' shall be substituted.

Substitution
of new sub-
section for
section 175,
Madras Act
I of 1905.

96. For section 175 of the said Act, the following section shall be substituted, namely:—

Correction of
clerical and
arithmetical
mistakes.

" 175. Any Collector specially empowered by the Local Government in this behalf may, on application or of his own motion correct a clerical or arithmetical mistake in any record-of-rights or any error arising therein from any accidental slip or omission ;

Provided that no such correction shall be made until reasonable notice has been given to the parties concerned to appear and be heard in the matter.

97. For section 176 of the said Act, the following section shall be substituted, namely:—

Amendment of section 176, Madras Act I of 1906.

" 176. Subject to the provisions of sections 171 to 175, all rents settled under sections 168 to 170 and entered in a record-of-rights finally published under sub-section (3) of section 178, shall be deemed to have been correctly settled and to be fair and equitable rent within the meaning of this Act "

Amendment of section 176, Madras Act I of 1906.

98. (1) In section 177 of the said Act, for the words 'the final order or decision fixing the rent', the words and figures 'the sanction by the confirming authority' under sub-section (2) of section 170 'shall be substituted.

Amendment of section 177, Madras Act I of 1906.

(2) To the same section, the following proviso shall be added, namely:—

" Provided that the settlement shall take effect in respect of all holdings in a single village or where the area in respect of which the settlement is effected is less than a village, in respect of all holdings in such area in the same revenue year :

Provided further that nothing in this section shall be deemed to apply to an enhancement or reduction of rent ordered under sections 171, 172, 173 or 175 "

99. In sub-section (1) of section 178 of the said Act, for the words 'suit or proceeding', the words 'suit, application or proceeding' shall be substituted.

Amendment of section 178, Madras Act I of 1906.

100. In the proviso to section 179 of the said Act, for the words 'a right of which he is in possession' the words 'his right' shall be substituted.

Amendment of section 179, Madras Act I of 1906.

101. In sub-section (1) of section 180 of the said Act:—

Amendment of section 180, Madras Act I of 1906.

(i) the words 'When the preparation of a record-of-rights under this chapter has been directed or undertaken' shall be omitted; and

(ii) for the words 'the expenses incurred by the Government in carrying out the provisions of this chapter' the words 'The expenses incurred in carrying out any of the provisions of this Chapter' shall be substituted.

*Substitution
of new
section for
section 181,
Madras Act
I of 1908*

182. For section 181 of the said Act, the following section shall be substituted, namely:—

*Conversion
of private
land into
ryotwari land.*

" 181. A landholder shall be at liberty to convert his private land into ryotwari land and confer occupancy right in land so converted."

*Amendment
of section
182, Madras
Act I of
1908.*

183. In sub-section (2) of section 183 of the said Act, the words 'or in any decree which is proved to his satisfaction to have been obtained by collusion or fraud' and the words and figures 'of the nature described in section 185' shall be omitted.

*Amendment
of section
183, Madras
Act I of
1908.*

184. In section 185 of the said Act, the words 'Provided that all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock for twelve years immediately before the commencement of this Act, shall be deemed to be the landholder's private land' shall be omitted.

*Substitution
of new
section for
section 186,
Madras Act
I of 1908.*

186. For section 186 of the said Act the following section shall be substituted, namely:—

*Assignment
by land-
holder of
land for
building
and other
purposes.*

" 186. (1) (a) If the District Collector on the application of a landholder, is satisfied after giving notice to the ryot or inamdar, as the case may be, and making such inquiry as he thinks fit, that the landholder is desirous of acquiring any land within the limits of his estate in the occupation of a ryot or an inamdar, for some reasonable and sufficient purpose having relation to the good of the holding, if any, of which such land forms part or of the estate, including the use of the land as building ground or for any religious, educational, communal or charitable purpose or for the opening and working of mines or for the purpose of a tank or of supply, drainage, canals or irrigation channels, he may grant

a certificate to the landholder specifying the land and stating that the purpose for which the landholder desires to acquire it is reasonable and sufficient.

The District Collector's certificate with regard to the reasonableness and sufficiency of the purpose for which any land is required by the landholder shall be final and shall not be open to question in any Civil Court.

(b) The Local Government may, on application by the landholder and on the production by him of a certificate of the District Collector under clause (a) in respect of any land and subject to his depositing the probable cost of the acquisition as estimated by the District Collector and fulfilling such other conditions as may, by general or special order, be laid down by the Local Government in this behalf, direct the District Collector to take order for the acquisition of the interest of the ryot or inamdar in such land under the Land Acquisition Act, 1894. Thereupon the provisions of that Act shall, subject to the modification specified in sub-section (3), apply as if such interest were land within the meaning of the said Act and the Local Government had directed the District Collector to take order for the acquisition of the same under section 7 of the said Act.

If the cost of the acquisition including all charges incidental thereto, exceeds the amount deposited, the landholder shall pay such excess and if such cost is less than the amount deposited, the difference shall be refunded to him. The interest acquired shall be transferred to the landholder on payment by him, in full, of the cost of acquisition.

(c) Where the land has been acquired for the opening and working of mines and the ryot or inamdar has any right in the minerals, the compensation awarded to him shall include compensation for such right."

108. In sub-section (1) of section 137 of the said Act—

(i) for the words 'an occupancy ryot' wherever they occur, the words 'a ryot' shall be substituted;

(ii) in clause (c), for the words and figures 'sub-section (2) of section 32,' the words and figures 'sub-section (3) of section 32' shall be substituted; and

(iii) in clause (c), for the words 'one for a commutation of rent,' the words 'apply for commutation of rent' shall be substituted.

Amendment
of section
137, Madras
Act I of
1906.

48 FORT ST. GEORGE GAZETTE EXTRAORDINARY

Repeal of
section 104,
Madras Act
1 of 1904.

107. Section 104 of the said Act shall be omitted.

Amendment
of section
107, Madras
Act 1 of
1904.

108. In section 107 of the said Act—

(i) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) A District Collector or Collector hearing suits or applications of the nature specified in Parts A and B of the Schedule and the Board of Revenue or the District Collector exercising appellate or revisional jurisdiction therefrom shall hear and determine such suits or applications or exercise such jurisdiction as a Revenue Court.

No Civil Court in the exercise of its original jurisdiction shall take cognizance of any dispute or matter in respect of which such suit or application might be brought or made.”

(ii) in sub-section (2), for the words and figure ‘Decrees and orders passed under sub-section (1),’ the words and figure ‘Decrees and orders passed in the suits and applications referred to in sub-section (1)’ shall be substituted; and

(iii) after sub-section (3) the following sub-section shall be added, namely:—

“(4) The decision of a Civil Court on any matter falling within its jurisdiction shall be binding on the parties thereto and persons claiming under them in any suit or proceeding before a Revenue Court or an appellate or revisional authority in which such matter may be in issue between them.”

Amendment
of section
100, Madras
Act 1 of
1904.

100. (1) Sub-section (2) of section 100 of the said Act shall be omitted and sub-section (1) renumbered as section 100.

(2) In the section as so renumbered, for the words and figures ‘an application under section 15 or a suit under section 45’ the words and figures ‘an application under section 15, section 25, sub-section (3) of section 32, section 40 or sub-section (2) of section 42’ shall be substituted.

Amendment
of section
110, Madras
Act 1 of
1904.

110. In section 110 of the said Act, the words ‘excluding the time occupied in obtaining a copy of such order or decree’ shall be omitted.

111. For section 152 of the said Act, the following provision shall be substituted, namely:—

Substitution of new section for section 152, Madras Act 1 of 1905.

105. " 152. (1) The Local Government may from time to time make rules consistent with this Act declaring that any provisions of the Code of Civil Procedure, 1908, shall not apply to suits, applications, appeals or other proceedings under this Act in any Civil or Revenue Court or to any specified class of such suits, applications, appeals or proceedings or shall apply to them subject to modifications and additions specified in the rules.

Amendment of Code of Civil Procedure, 1908 by paragraph 105 of the Act.

106. (2) Subject to any rules so made and subject also to the other provisions of this Act and the following modifications and additions, the provisions of the Code of Civil Procedure, 1908, shall apply to all such suits, applications, appeals and proceedings so far as they are not inconsistent therewith:—

(a) (i) The plaint shall specify, in addition to the particulars mentioned in rule 1 of Order VII of the said Code, the name of the village in which the land to which the suit relates is situated, the designation, if any, of the land and a description of the land sufficient for its identification;

(ii) Where the suit is for the recovery of rent due on land situated within an area in which a record-of-rights has been prepared and published, the plaint shall further contain a statement of the rent of the holding according to the record-of-rights;

Provided that if the Court sees fit at any time to require it, a copy of, or extract from, the record-of-rights relating to the holding shall be produced by the plaintiff, or shall, if necessary, on the requisition of the Court, be supplied by the Collector on payment by the plaintiff or the defendant as the Court may direct of such fee as the Local Government may by rule under this Act prescribe;

(iii) If the suit is for arrears of rent the plaint shall contain a statement of account showing the instalments payable for the period to which the suit relates, the amount, if any, received, and the amount claimed to be due.

(b) No set-off whether legal or equitable shall be pleaded by way of defence to any suit under this Act.

(c) When any rent roll or collection or measurement papers have been produced by a landholder in any Court in a suit, application or proceeding pending therein copies of or extracts from such documents which have been certified by a duly authorized officer of such Court, to be true copies or extracts, may be admitted in evidence in proof of the originals in any other suit, application or proceeding instituted in the same or another Court unless the Court in which such copies or extracts are produced sees fit to require the production of the originals.

(d) To the particulars not liable to attachment or sale under section 60 of the said Code shall be added 'measure stocked by an agriculturist.'

(e) Standing timber, growing crops or other products of the earth may be attached and sold in execution of a decree in the same manner as movable property, and if the property attached is growing crops or other products of the earth, the judgment-debtor and the decree-holder shall have the same rights in respect of the tending, gathering, and storing thereof as the cultivator and the distiller, respectively, would have had under section 53 if such crops or products had been distrained for an arrears of rent.

(f) In any suit, application or proceeding under this Act to recover rent or to contest distraint or the right of sale of a holding, if a party admits that rent as claimed or part thereof is due but pleads that it is due not to the plaintiff or applicant or the defendant or respondent, as the case may be, but to a third person, or pleads that the provisions of this Act have not been complied with, the Court shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the party succeeds in paying into Court the amount admitted to be due or such reasonable portion of the amount as the Court may direct.

(g) Where such a payment is made and the plea is that the rent to the extent admitted is not due to the plaintiff or applicant or the defendant or respondent, as the case may be, but to a third person, the Court shall forthwith cause notice of the payment to be served on the third person.

Unless the third person, within three months from the receipt of the notice, institutes a suit before the Civil Court against the plaintiff or applicant or the defendant or respondent and therein obtains an order restraining payment, the amount in deposit shall be paid out to the plaintiff or applicant or the defendant or respondent, as the case may be, on his application.

Nothing in this sub-section shall affect the right of any person to recover by suit in a Civil Court from the plaintiff or applicant or the defendant or respondent, as the case may be, any payment made to him under it.

(5) In any suit, application or proceeding under this Act to recover rent or to contest d restraint or the right of sale of a holding, if a party admits that rent is due to the plaintiff or applicant or the defendant or respondent as the case may be, but pleads that the amount claimed is in excess of the amount due, the Court shall, except for special reasons to be recorded in writing, refuse to take cognisance of the plea unless the party aforesaid pays into Court the amount so admitted to be due or such reasonable portion of the amount as the Court may direct.

(6) If any suit or application between landlord and ryot as such is adjusted wholly or in part by any lawful agreement or compromise, or if the defendant or respondent satisfies the plaintiff or applicant in respect to the whole or any part of the matter of the suit or application, the Court may pass a decree or order in accordance with such agreement, compromise or satisfaction, so far as it relates to the suit or application but may refuse to do so if, for reasons to be recorded, the Court considers such agreement, compromise or satisfaction to be unfair and inequitable.

(7) A decree or order passed in accordance with any lawful agreement, compromise or satisfaction shall be final so far as it relates to so much of the subject-matter of the suit or application as is dealt with by such agreement, compromise or satisfaction."

112. For section 133 of the said Act, the following section shall be substituted, namely:—

Substitution
of new
section for
section 133,
Madras Act
I of 1904.

Transfer of
ryots in
applications
for commu-
tation,
enhancement
or reduction
of rent.

" 193 (1) An application for commutation, enhancement or reduction of rent may be made against or by any number of ryots collectively :

Provided that all such ryots are ryots of the same landholder and that all the holdings in respect of which the application is made are situated in the same village and that the grounds of commutation, enhancement or reduction, as the case may be, are the same :

Provided also that, if it appears to the Revenue Court that the application cannot be conveniently disposed of jointly, the Court may, at any time before the first hearing, of its own motion or on the application of any of the parties or, at any subsequent stage, if the parties agree, order separate trials of the application or make such other order as may be necessary or expedient.

(2) No order shall be passed in any application under sub-section (1) affecting the interests of any person unless the Court is satisfied that the person has had an opportunity of appearing and being heard.

(3) The order shall specify the extent to which each of the ryots is affected thereby."

Repeal of
sections 194,
195 and 196,
Madras Act
I of 1909

113. Sections 194, 195 and 196 of the said Act shall be omitted.

Substitution
of new
sections for
section 197,
Madras Act
I of 1909

114. For section 197 of the said Act, the following section shall be substituted, namely :—

Court to give
receipt.

" 197. When a party makes a payment under sub-section (3) or sub-section (5) of section 193 or pays into court in any suit, application or proceeding under this Act any amount so due from him to the landholder or person claiming under the landholder, the Court shall give the party aforesaid a receipt, and the receipt so given shall operate as an acquittance in the same manner and to the same extent as if it had been given by the person lawfully entitled to the rent or by the landholder or person claiming under the landholder as the case may be."

Repeal of
sections 198
and 199,
Madras Act
I of 1909.

115. Sections 198 and 199 of the said Act shall be omitted.

116. In section 200 of the said Act—

Amendment
of section
200, Madras
Act
I of 1906.

(b) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) An application for commutation, enhancement or reduction of rent or for alteration of rent with reference to area, shall be made only by or against the landholder in possession of the estate or the part concerned, as the case may be;

Provided that—

(i) where it appears that such landholder is not the owner of the estate or the part concerned, notice of the application shall, at the expense of the applicant, be given by the Revenue Court to the owner who shall be made a party to the application; and

(ii) where such landholder is not the owner of the estate or the part concerned and is unwilling to make an application for commutation, enhancement, or alteration of rent, the owner may make such application making the landholder in possession a party thereto; but any rent which may be fixed by the Revenue Court in such application shall be payable only to the landholder entitled to possession of the estate or the part concerned.”; and

(3) in sub-section (2) for the word and figures ‘Chapter VII’ the word and figures ‘Chapter VIII’ shall be substituted.

117. For section 201 of the said Act, the following section shall be substituted, namely:—

Substitution
of new sec-
tion for
section 201,
Madras Act
I of 1906.

“201. A decree or order for payment of money passed by a Revenue Court shall not be transferred to any Court other than a Civil Court for execution.”

Transfer of
decree or
order passed
by Revenue
Court for
payment of
money.

118. Section 202 of the said Act shall be omitted.

Omission of
section 202,
Madras Act
I of 1906.

119. In sub-section (4) of section 203 of the said Act, for the word and figures ‘section 64’ the words and figures ‘rule 11 of Order VII’ shall be substituted; and after the words ‘Code of Civil Procedure’ the figures ‘1908’ shall be inserted.

Amendment
of section
203, Madras
Act I of
1906.

Amendment
of sections
100, Malacca
Act 2 of
1906.

120. In section 99C of the said Act—

(i) for the words 'Revenue or Judicial officer' in the first two places where they occur, the word 'person' shall be substituted; and

(ii) for the words 'the Revenue or Judicial officer had not been so invested' at the end, the words 'such person had not been so invested' shall be substituted.

Amendment
of sections
20, Malacca
Act 1 of
1906.

121. In section 20 of the said Act—

(i) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) All suits, applications or proceedings cognizable by a Collector under this Act shall be brought, made or taken in the Revenue division in which the holding or any portion of the holding in connection with which the suit is brought, the application is made or the proceedings are taken, is situated;" and

(ii) in sub-section (2), the words 'or other Revenue officer' shall be omitted and after the word 'made' the word 'applications' shall be inserted.

Amendment
of section
210, Malacca
Act 1 of
1906.

122. Sub-section (2) of section 210 of the said Act shall be omitted and sub-section (1) re-numbered as section 210.

Consolidation
of sec-
tion 210,
Malacca Act
1 of 1906.

123. For section 211 of the said Act, the following section shall be substituted, namely:—

Appellate
of the
Indian
Limitation
Act, 1908.

"211. Subject to the provisions of this Chapter, the provisions of the Indian Limitation Act, 1908, except sections 6, 7, 8, 9, 18 and 20 shall apply to all suits, appeals and applications mentioned in section 210."

Amendment
of sections
212, Malacca
Act 1 of
1906.

124. In sub-section (1) of section 212 of the said Act—

(i) in clause (a) for the word and figures 'section 163' the word, figures and letter 'section 163-A' shall be substituted; and at the end the word 'or' shall be inserted; and

(ii) after clause (d), the following clause shall be inserted, namely:—

"(e) wilfully and without lawful excuse obstructs any entry or measurement under section 17-A."

125. In section 215 of the said Act—

(i) for the words 'The Local Government may, after previous publication, make rules consistent with this Act' the following shall be substituted, namely:—

*Amendment
of section
215. Section
Act I of
1908.*

"The Local Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision the Local Government may make rules—"

(ii) in sub-clause (b) of clause (1) for the figures '1897' the figures '1923' shall be substituted.

(iii) in clause (5), after the words 'communal purposes' at the end, the words 'and of the beds and beds of tanks, supply, drainage, surplus or irrigation channels' shall be added;

(iv) in clause (9) after the word 'rent' at the end, the word 'and' shall be added;

(v) in clause (10), for the words 'by a Collector of suits and applications heard and decided by him' and 'the words' of suits and applications disposed of under this Act' shall be substituted; and

(vi) clause (11) shall be omitted.

Substitution
of new
Schedule for
the Schedule
to Statute
Act 2 of 1903.

125. For the Schedule to the said Act, the following Schedule shall be substituted, namely:—

" SCHEDULE,

(See sections 125 and 126.)

Part A.—Suits triable by a Collector.

Serial Number.	Section of Act.	Description of suit.	Period of Limitation.	Time from which period begins to run.	Authority to which an appeal lies.
1	10	(1)	(2)	(3)	(4)
1	10	To obtain a posse	Three months ..	The date of the application of those months after demand.	District Court.
2	10	To enforce acceptance of posse ..	Three months ..	The date of the application of one month from failure to accept.	District Court.
3	12	By landholder to recover arrears of rent.	Three years ..	The date when the arrears last became due or, where there has been a suit or other proceeding for the purpose of ascertaining the rent, the date of the decree or order by which the rent is finally ascertained, whichever date may be later.	District Court.
4	18	For damages when distrained property is stolen, lost, damaged or destroyed.	Six months ..	The date when the property was stolen, lost, damaged or destroyed.	District Court.
5	26 (1) and (2)	To compel distraint	Fifteen days ..	The date of service of notice requiring either the payment of the amount demanded or the institution of a suit to recover the demand.	District Court.

6	103	To secure the right of sale of a holding.	Thirty days	..	The date of service of notice on the defendant requiring him to pay the amount due or purchase a mortgage by the right of sale.	District Court.
7	103 (1) (b)	For payment of the subsequent rent.	Thirty days	..	The date of sale of the holding	District Court.
8	104	To secure legal payments and penalties in respect of such payments as have been attached.	Six months	..	The date of the payment	District Court.
9	140	To remove the risk of execution of criminal process in an irregular case from a disbandment (sanction).	Three years	..	The date of completion of the work ..	District Court.
10	140	To be indemnified against loss of rent when a holding is seized.	Six months	..	The announcement of the revenue year succeeding that in which the mortgage is made.	District Court.
11	142 (1)	To effect a cure	Two years	..	The date on which the right to eject is asserted.	District Court.
12	142 (2)	For compensation, or for an injunction as for the repair of the damage or waste.	Two years	..	When the damage was done or the waste began.	District Court.
13	142 (3)	For damages and otherwise provided for.	Three months	..	The date of the receipt of the notice of action.	District Court.
Part B—Applications to be disposed of by a District Collector or Collector.						
14	14	For filing the declaration payable in respect of any holding due to a landlord which are required by the law.	None	..	None	District Collector.
15	15	As to the right to make an improvement or as to whether a particular work is or will be an improvement.	None	..	None	District Collector.

Part E—Applications to be disposed of by a District Collector or Collector—cont.

Serial number. (1)	Section of Act. (2)	Description of application. (3)	Period of duration. (4)	Time limit within which notice must be given. (5)	Authority, if any, to which an appeal lies. (6)
3	16	To register improvements ..	None (subject to sub-section (2) of section 16).	None (subject to sub-section (2) of section 16).	Against refusal to register—District Collector.
4	17	For recording evidence relating to an improvement.	None	None	Against refusal to record evidence—District Collector.
5	20-A (1)	For declaring that any unenclosed land is not required for its original purpose and desiring that it be used for any other purpose in its unenclosed state. Government reserved or landholder's right land.	None	None	Against a declaration that the land is not required for its original purpose or an order directing that the land be used for any other unenclosed purpose—District Collector. Against an order directing the conversion of the land into Government reserved or landholder's right land—District Officer.
6	21	For tolling of a fee and equitable rent.	None	None	District Collector.
7	22	For payment of rent payable by a right.	None (subject to sections 37, 41 and 41A).	None (subject to sections 37, 41 and 41A).	District Officer.
8	22 (2)	Application by landholder to register improvements.	One year ..	The date of completion of the improvements.	Against registration or refusal to register—District Collector.

8	22 (1)	Application by landholder to enforce contract for payment of additional rent on amount of improvement registered under section 22 (1).	One year	..	Date of registration ..	..	..	..	District Collector.
10	22 (2)	For recovery of enhancement of rent.	None	..	None	..	..	..	District Collector.
11	24	For reduction of rent ..	None (subject to sections 26, 41 and 277).	..	None (subject to sections 26, 41 and 277).	..	..	..	District Court.
12	40	For cancellation of rent ..	None	..	State	..	..	..	Against the fixing of the valuation of land of considerable in so far as it determines the sum to be paid as ground-rent. District Court.
13	47 (2)	For abatement of rent with area.	State	..	None	..	..	..	District Collector.
14	44	For provision to the public in the office of Collector at other offices.	One year	..	The commencement of the revenue year to which the public relates.	..	..	..	District Collector.
15	46	For compensation for withholding receipt.	Three months	..	The date of payment ..	..	..	..	District Collector.
16	48	For permission to deposit rent in the office of Collector.	None	..	None	..	..	..	None.
17	51 (1)	For repayment of deposited rent.	None	..	None	..	..	..	None.
18	54	For deposition of office to refuse the application or demands.	None	..	None	..	..	..	None.
19	53	By third persons having a right or interest in concerned property.	Any time before the date of sale.	..	None	..	..	..	None.
20	55	For delivery of property (including interest) to prevent distress or for payment of the value of such property.	Six months	..	The date on which the arrears become due.	..	..	..	None.

Part B—Applications to be disposed of by a District Collector or Collector—cont.

Serial number, (1)	Section of act, (2)	Description of application, (3)	Period of limitation, (4)	Time from which period begins to run, (5)	Applicable, if any, in which to appeal from, (6)
21	80	For restoration of distrained property lawfully or clandestinely taken away or for payment of the value of such property.	Thirty days ..	The date on which the distrained property was lawfully or clandestinely removed.	None.
22	102	To obtain a certificate from the Collector for the recovery from the delinquent purchaser of the difference in price and costs resulting from second sale.	Three months ..	The date of the certificate of the sale officer.	District Court.
23	104 (4)	For determination of exposure.	Three months ..	The date of the sale officer's demand.	None.
24	114	For sale of holding if no suit concerning the right of sale has been instituted.	Twenty-five days.	The posting by the Collector of notification of service under section 112.	None.
25	114	For sale of holding if a suit concerning the right of sale has been instituted.	Thirty days ..	The date of disposal or withdrawal of the suit.	None.
26	101	To obtain a certificate from the Collector for the recovery from the delinquent purchaser of the difference in price and costs resulting from second sale.	Three months ..	The date of the certificate of the sale officer.	District Court.
27	101	For disposing, run to not able sale of holding.	Forty-five days.	The date of sale	None.
28	101	Upon sale of holding ..	Before the grant of a certificate of sale.	None	None.
29	133	For grant of time to pay arrears due.	Before the issue of an order for sale under section 118.	None	None.

Part B—Applications to be disposed of by a District Collector or Collector—cont.

Serial number.	Section of act.	Description of certificate.	Period of detention.	Time from which period begins to run.	Authority, if any, to which it shall be sent.
(1)	(2)	(3)	(4)	(5)	(6)
38	..	Any application under Chapter VIII for certificate provided for	Six months ..	The date on which the right to the relief claimed arose.	Board of Revenue in the case of orders passed by the District Collector and District Collector in the case of orders passed by the District District Collector.
39	148 (B)	For apprehension of rent where the distribution made by the landholder is not assessed to by any year.	Three months ..	The date of commencement of the distribution in the year.	District Collector.
39	148 (B)	For apprehension of rent where the landholder has delayed distribution for several years.	None	None	District Collector.
39	148 (B)	For assessment of the apprehension of rent made by a landholder.	Six months ..	The date of commencement of landholder's default in the year.	District Collector.
40	148	For issue of warrant to enter upon and take possession of the premises.	Three months ..	The date of the expiration of the session year for which the order was made.	District Collector.
41	149	To act under warrant of execution.	Fifteen days or the period specified by the Collector under section 155.	The date of service of the warrant ..	District Collector.
42	148-1st paragraph.	For determination of a fair and equitable rent.	None	None	District Collector.
43	148-2nd paragraph.	For determining such payable as damages by a person unlawfully occupying land.	One year ..	The end of the revenue year in which occupation was made.	District Collector."

MISCELLANEOUS PROVISIONS.

127. (1) Subject to the provisions of sub-section (2) nothing in this Act or in any repeal or amendment effected thereby shall affect any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act under a decree or order of a competent court.

(2) No tenant in possession on the 1st day of November 1933, of any land in an iram village, not being an estate within the meaning of sub-clause (d) of clause (2) of section 3 of the said Act as amended by this Act, or admitted by the inamdar to possession of any such land subsequent to the said date, shall be liable to be ejected until the 1st day of November 1935 and all proceedings in ejectment of any such tenant and all proceedings involving a decision whether or not the inamdar has the kudiavaram right in such land, shall be stayed until the 1st day of November 1935:

Provided that nothing contained in this sub-section shall apply to any land the kudiavaram interest in which has been declared or recognized before the 1st day of November 1933 to vest in the inamdar by a decree or order of a competent court, which has become final.

SCHEDULE.

[See section 3 (2).]

Section.	Sub-section or clause.	For the words.		Substitute the words.	
		(A)		(B)	
10	(1)	such Revenue-officer as the Local Government may appoint	..	the Collector.	..
16	(2)	officer receiving the application	..	Collector.	..
65	(1)	Collector or such other officer as the Local Government may appoint	..	Collector.	..
68	(1)	the said Collector or other officer	..	the Collector.	..
69	(1)	Collector or other officer	..	Collector.	..
71	(1)	Collector or other officer	..	Collector.	..
72	(2)	Collector or other officer	..	Collector.	..
100	(1)	a Revenue-officer	..	the Collector.	..
106	(1)	officer receiving the record	..	the Collector.	..
108	(1)	officer	..	Collector.	..
109	(1)	by the Revenue-officer or by the Collector	..	by the Collector or by the District Collector.	..
110	(1)	officer	..	Collector.	..
111	(1)	a Revenue-officer	..	the Collector.	..
112	(1)	a Revenue-officer	..	the Collector.	..

Having of right and holding under the name of owner of Court.

Tenant of certain inamdar not to be ejected until 1st November 1935, and all proceedings in ejectment or on which the tenant's right to the kudiavaram is in issue to be stayed until that date.

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Section	Sub-articles or clauses	The title.	Substitute the words.
60	(1)	at	at
105	(1)	a Revenue officer	the Collector.
106	..	a Revenue officer	the Collector.
107	(1)	Collector or other Revenue officer ..	Collector.
108	(1)	Collector of Revenue officer ..	Collector.
109	(1)	Revenue officer	Collector.
110	(1)	any Collector or officer	the Board of Revenue or any District Collector or officer.
111	(1)	Collectors and Revenue officers ..	District Collectors and Officers.

(By order of His Excellency the Governor)

V. N. VISWANATHA RAO,
Secretary to Govt., Law (Legislative) Dept.

